

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 5:09CR27-RLV

UNITED STATES OF AMERICA)
)
)
v.)
)
BERNARD VON NOTHAUS)
)

In re: PETITION OF ROLAND L. CRAPO,
SR.

ORDER DISMISSING PETITION

WHEREAS, on November 10, 2014, the Court entered a Memorandum and Order (Doc. 270) affirming the jury's verdicts of guilty to Counts One, Two, and Three in the Superseding Bill of Indictment.

WHEREAS, on February 25, 2015, the Court entered the Amended (Third) Preliminary Order of Forfeiture (Doc. 297) forfeiting certain coins, metals, and other property to the United States.

WHEREAS, Ronald L. Crapo, has filed a Petition, Doc. 550, and a Response, Doc. 705, claiming one thousand (1,000) one-ounce copper Peace dollars and sixty-nine (69) silver Liberty rounds, with order dates of October 22, 2007, and November 6, 2007, or compensation for them.

WHEREAS, the United States has filed a Motion to Dismiss the Petition of Ronald L. Crapo, Sr., and has argued that the property he is seeking is illegal contraband.

WHEREAS, based on the evidence, the Court has ruled in this case that Peace and Liberty coins minted after the warning by the United States Mint to the Liberty Dollar Organization and the Defendant on September 14, 2006, were counterfeit, and therefore,

contraband... See Memorandum and Order, at 7 (Doc. 270; Memorandum and Order (First Preliminary Order of Forfeiture) at 18 (Doc. 285).

WHEREAS, counterfeit coins are contraband and illegal *per se* and the Court has ruled in this case that “Items that are considered ‘contraband’ or ‘counterfeit’ under Section 492 are deemed illegal *per se* and automatically forfeited without having to satisfy the otherwise applicable forfeiture procedures.” Memorandum and Order (First Preliminary Order of Forfeiture) at 11 (Doc. 285) (citing *Helton v. Hunt*, 330 F.3d 242, 247–48 (4th Cir. 2003) at n. 10). The Court has further defined contraband in this case as “properties that no person or entity other than the United States may have a property right or interest in them.” Consent Order and Judgment of Forfeiture, Doc. 296.

WHEREAS, 21 U.S.C. § 853(n)(6) and Fed. R. Crim. P. 32.2(c) do not allow compensation for, the monetary equivalent of, or damages for claimed property in this ancillary hearing.

NOW, THEREFORE, because the Petitioner’s claim for Peace and Liberty coins minted in October and November 2007 concerns coins that are contraband, it must be denied. The Petitioner’s claim for compensation, a monetary equivalent, or damages is also denied. Accordingly, pursuant to Fed. R. Crim. P. 32.2(c)(1)(A), the Petition and Response of Roland L. Crapo, Sr., are dismissed in their entirety for failure to state a claim upon which relief can be granted.

SO ORDERED.

Signed: January 25, 2016



Richard L. Voorhees
United States District Judge

